

CS FOR HOUSE BILL NO. 92(JUD) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Amended: 4/24/03

Offered: 4/14/03

Sponsor(s): REPRESENTATIVES LYNN, Wolf, Kookesh, Stevens, Heinze, Kerttula, Dahlstrom, Morgan

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to reports by members of the clergy who have reasonable cause to**
2 **suspect that a child has suffered harm as a result of child abuse or neglect."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 47.17.020(a) is amended to read:

5 (a) The following persons who, in the performance of their occupational
6 duties, or with respect to (8) of this subsection, in the performance of their appointed
7 duties, have reasonable cause to suspect that a child has suffered harm as a result of
8 child abuse or neglect shall immediately report the harm to the nearest office of the
9 department:

- 10 (1) practitioners of the healing arts;
- 11 (2) school teachers and school administrative staff members of public
12 and private schools;
- 13 (3) peace officers and officers of the Department of Corrections;
- 14 (4) administrative officers of institutions;

1 (5) child care providers;

2 (6) paid employees of domestic violence and sexual assault programs,
3 and crisis intervention and prevention programs as defined in AS 18.66.990;

4 (7) paid employees of an organization that provides counseling or
5 treatment to individuals seeking to control their use of drugs or alcohol;

6 (8) members of a child fatality review team established under
7 AS 12.65.015(e) or 12.65.120 or the multidisciplinary child protection team created
8 under AS 47.14.300;

9 **(9) clergy members, except as provided in AS 47.17.021.**

10 * **Sec. 2.** AS 47.17 is amended by adding a new section to read:

11 **Sec. 47.17.021. Reports by clergy members.** (a) Except as provided in
12 (b)(1) of this section, the reporting requirement of AS 47.17.020(a) does not apply to a
13 clergy member with regard to a confession or confidential communication made to the
14 clergy member in the clergy member's religious capacity in the course of discipline
15 sanctioned by the church to which the clergy member belongs if (1) the church would
16 qualify as tax-exempt under 26 U.S.C. 501(c)(3) (Internal Revenue Code); (2) the
17 confession or confidential communication was made directly to the clergy member;
18 and (3) the confession or confidential communication was made in the manner and
19 context that places the clergy member specifically and strictly under a level of
20 confidentiality that is considered inviolate by religious doctrine. A confession or
21 confidential communication made under any other circumstances does not fall under
22 this exemption.

23 (b) This section may not be construed to

24 (1) modify or limit a clergy member's duty to report known or
25 suspected child abuse or neglect when the clergy member is acting in some other
26 capacity that would otherwise make the clergy member a mandated reporter under
27 AS 47.17.020(a); or

28 (2) prevent a clergy member from reporting known or suspected child
29 abuse or neglect.

30 * **Sec. 3.** AS 47.17.290 is amended by adding a new paragraph to read:

31 (17) "clergy member" means a person who has been ordained, licensed, listed,

1 or set apart, in accordance with the laws, ceremonial or ritual practices, or discipline of
2 a church or religious organization that has been established on the basis of a
3 community of religious faith, belief, doctrines, or practices.